

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

LOPEZ *et al.*

Serial Number: 09/941,833

Filed: August 30, 2001

**For: METHODS FOR COVALENTLY
ATTACHING NUCLEIC ACIDS TO
SUBSTRATES**

Examiner: Forman, B.J.

Art Unit: 1634

Docket No.: UNME-0108-1

**Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231**

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement, mailed November 1, 2002, the period for response to which is set to expire on February 1, 2003, Applicants hereby elect Group 1, glass, siloxy and single-stranded DNA, without prejudice or disclaimer.

REMARKS

The Examiner has required a restriction between the following groups:

Group 1: Claims 1 through 61, drawn to a microarray, classified in class 435, subclass 283.1;

Group 2: Claims 62 through 75, drawn to a siloxy diazotized surface, classified in class 501, subclass 11;

Group 3: Claims 76 through 115, drawn to a method for forming a microarray, classified in class 435, subclass 174;

Group 4: Claims 116 through 145, drawn to a method for forming a siloxy diazotized surface, classified in class 516, subclass 198;

Group 5: Claims 146 through 166, drawn to a method for using a microarray, classified in class 435, subclass 4;

Group 6: Claims 167 through 174, drawn to a thiolate diazotized surface, classified in class 501, subclass 11;

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Group 7: Claims 175 through 197, drawn to a method for forming a microarray, classified in class 435, subclass 174;

Group 8: Claims 198 through 210, drawn to a method for forming a thiolate diazotized surface, classified in class 516, subclass 198; and

Group 9: Claims 211 through 216, drawn to a kit, classified in class 422, subclass 61.

In addition, the Examiner has requested an Election of Species from each of the following three species as disclosed in the specification:

First Species Election Requirement: Surface species including; glass, glass bead, glass slide polymer surface, plastic surface, polyethylene terephthalate, silicon wafer, ceramic surface, metal oxide surface, clay surface noble metal surface gold surface, silver surface and copper surface;

Second Species Election Requirement: Linker species including; siloxy and thiolate; and

Third Species Election Requirement: Biomolecule species including; single-stranded DNA, double-stranded DNA, protein, ribozyme, RNA and aptamer.

Applicants elect the claims of Group I, *with traverse, i.e.*, claims 1 through 61, for prosecution in the instant application. Applicants reserve the right to file divisional applications for the subject matter covered by the remaining groups. The inventors for the invention of the elected claims are the same as the inventors of record in the application.

Applicants elect the claims associated with glass (selected from the First Species Election Requirement), siloxy (selected from the Second Species Election Requirement), and single-stranded DNA (selected from the Third Species Election Requirement) *with traverse, i.e.*, claims 1, 2, 16-18, 24-26, 35-39 and 45, for prosecution in the instant application. Applicants reserve the right to file divisional applications for the subject matter covered by the remaining species. The inventors for

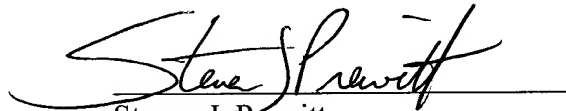
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the invention of the elected claims are the same as the inventors of record in the application.

Applicants hereby indicate that claim 1 is a generic claim to all of the above-identified species. Therefore, claims 2-61 should be allowable, provided that generic claim 1 is allowable. If the Examiner disagrees with this assessment, the Examiner is invited to contact Steven J. Prewitt at (703) 591-2664.

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven J. Prewitt", written over a horizontal line.

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December 6, 2002